

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-05-16

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA GRANTING INTERIM USE PERMIT, UP05-0004, AT PARCELS 99, 2580/2700 BARBERS POINT ROAD NEAR MAIN STREET AT SINGLETON AVENUE, ALAMEDA POINT FOR ALAMEDA POINT COLLABORATIVE

WHEREAS, an application was made on February 25, 2005 by Alameda Point Collaborative for an Interim Use Permit, UP-05-0004 to allow a 4 acre nursery at Parcel 99 at former Naval Air Station Alameda (Alameda Point), in the M-2-G General Industrial (Manufacturing) Zoning District/Special Government Combining District; and

WHEREAS, the application was found to be complete for processing on March 25, 2005; and

WHEREAS, the General Plan designation is "Neighborhood Business" and

WHEREAS, the Planning Board held a public hearing on this application on May 23, 2005 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the subject parcel is located within the boundaries of the Alameda Point Improvement Project (APIP); and

WHEREAS, the Board has made the following finding: the Planning Board has been advised that, subject to meeting City standards and requirements, the proposed use would conform to the adopted Community Improvement Plan (CIP) for the Alameda Point Improvement Project; and

WHEREAS, the Planning Board has made the following findings regarding the Use Permit application request:

1. **The interim use is approved for a limited time, not to exceed the ten years consistent with the Interim Lease Program.**
2. **The interim use utilizes existing facilities and does not require substantial new development.** The nursery will occupy an area that is currently undeveloped, and the improvements to the site are relatively minor.
3. **The interim use will not disrupt on-going operations of the governmental entity should the interim use occur concurrent with continuing operations by the governmental entity, because proposed** fencing, lighting and, overall City and ARRA administration of the former Naval Air Station provide security for the governmental operations.

4. **The interim use will not be detrimental to the ultimate redevelopment of the property.**
The interim use is consistent with the General Plan policies and land use designations for the area and the City's most current, 2005 Preliminary Development Concept for Alameda Point.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds that the project is Categorically Exempt from the California Environmental Quality Act, under Section 15304(b) of the CEQA Guidelines; and

BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby grants Interim Use Permit 05-004, pursuant to Alameda Municipal Code Section 30-4.17.c for a plant nursery on 99 at Alameda Point, subject to the following:

1. Approved Plans. The project shall be constructed in substantial compliance with the plans titled "Ploughshares Nursery Stage I" and "Ploughshares Nursery Conceptual Plan" marked "Exhibit A," on file in the Planning Department, subject to the following conditions:
2. Vesting. This Use Permit approval shall terminate on May 23, 2006 unless actual alteration under valid permits has begun, or the operation of the use has been commenced, or the applicant applies for and is granted an extension prior to said expiration. This Use Permit shall terminate in ten (10) years or upon expiration of the Interim Lease, whichever occurs first.
3. Limitation on Use. This Use Permit is for a commercial nursery on Parcel 99, Alameda Point.
 - a. Hours of Operation: Hours of operation shall be 8 am to 10:00 pm, 7 days per week. The hours from 6:00 PM to 10:00 PM shall be limited to education and classroom activities.
 - b. Screening: The use will be screened from Barbary Point by fencing and landscaping. Any proposed additional fencing shall be subject to review and approval of the Planning Director, prior to construction.
 - c. Lighting: Any major or minor alterations to lighting shall be limited to the lowest intensity consistent with its purpose, and shall be oriented downwards and away from sensitive receptors. New exterior lighting shall be provided only if approved by the Planning Director. All lighting will be screened from the adjacent residential uses.
 - d. Unenclosed Storage: There shall be no outdoor storage other than plants, plant casings, tools for propagating or moving plants and similar items. Any indoor storage will meet requirements of the Fire Department for this type of occupancy.
 - e. Marsh Crust: The applicant shall perform all gardening involving edible plants in raised beds with imported soil which is verified by the applicant as being safe to grow food. Separation from underlying soil, which may contain residual contaminants, shall be verified to the satisfaction of the Planning Director. No excavation through the Marsh Crust shall be conducted without permits from the City required under the Marsh Crust Ordinance.
 - f. Pesticides: The use of non-organic pesticides at the nursery is prohibited.

4. Design Review: All future improvements, shown on the plans, including the fencing, landscaping, and lighting will be subject to City of Alameda Design Review approval. Plans submitted for Design Review approval shall include the following modifications to the plans submitted for use permit approval:
 - a. Public Sidewalk: The site plan will be modified to provide space for a 5 foot public sidewalk adjacent to the fence on Barbary Point Road.
 - b. Singleton Intersection: The site plan will be modified to ensure that the main entrance is aligned with Singleton Avenue. The applicant shall be responsible for modifying the Singleton Avenue traffic signal as necessary to access the site.
5. Easements: Prior to construction of any structures on the site, the applicant shall submit for Design Review approval and provide all necessary documentation to confirm that the proposed structures are not located over an existing utility easement.
6. Building Codes. The improvements shall conform to the Alameda Building Code. No use of structures including greenhouses and storage buildings will be permitted until an application for a Certificate of Occupancy is submitted to the Central Permits Office/Building Services Division, the application is reviewed and approved, the building is inspected and determined to be safe for the proposed occupancy and a Certificate of Occupancy is issued by the Building Official. Building Permits are required to be obtained from the City of Alameda Central Permits Office/Building Services Division for all proposed physical changes, alterations or additions to the subject buildings.
7. Vehicular Access: Access to the site from Main Street may occur at the north gate shown in Attachment C until such time that the new intersection of Main and Mitchell Mosley is constructed. At that time, access to the site must be provided at the intersection of Main Street and Singleton, and the north gate must be closed, unless it is determined by the Public Works Department that it may remain open. Truck access and deliveries shall occur through the “north gate” until such time that the main entrance is moved to Singleton intersection. At that time, a north gate on Barbary Point Road as shown in Attachment C may provide access for deliveries and employee parking.
8. Disabled Access. All structures and pathways must meet the provisions of the Americans with Disabilities Act requirements. Corner curbs shall be modified if required by the Public Works Department to be accessible to the disabled at the applicants’ cost, with permits from the Public Works Department.
9. Fire Codes. The applicant shall comply with the requirements of the City of Alameda Fire Chief prior to approval of occupancy.
10. Noise. The applicant shall operate and maintain the facility in compliance with City noise standards of the Alameda Municipal Code. Any use found to increase the noise level may be required to mitigate noise levels, including baffling noise sources. Construction noise impacts shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to

Monday through Friday, between 7:00 a.m. to 7:00 p.m., and on Saturday between 8:00 a.m. to 5:00 p.m., with no Sunday construction.

11. Least Tern. Employees, vendors and customers of the applicant shall be prohibited from entering wetlands areas or areas of endangered species habitat, particularly the California Least Tern habitat southwest of Buildings 24 and 25. The applicant shall post information, to be provided by ARRA, regarding the value of the habitat areas on the base and the reasons for restrictions on human activity, and shall cooperate in educational programs on these subjects. No animals except certified disability assistance dogs and dogs waiting in vehicles of nursery customers shall be permitted.
12. Stormwater/Wastewater. City of Alameda Municipal Code Sections 18-21 to 18-25 regarding storm water management and discharge control prohibit non-storm water discharges into the storm sewer system. The applicant shall comply with the requirements of the City of Alameda Public Works Department, Urban Runoff Manager, including but not limited to:
 - a. Best Management Practices (BMP's) as described in brochures available from the City of Alameda Public Works Department, to maintain waste management (trash) areas, loading areas and parking areas to insure that no debris or waste shall discharge to storm drain or contaminated rain water.
 - b. No washing of vehicles or equipment or maintenance or repair work shall be permitted except in designated, covered areas.
 - c. The site shall be kept clean of debris which may contaminate storm drains. Only dry clean-up methods shall be used to maintain the site.
 - d. Prior to occupancy, the applicant shall make provisions for the Urban Runoff Program Manager and/or engineering staff to inspect adherence to Clean Water Program BMP's.
13. Parking. On-site parking area leased and available to the applicant's use shall be a minimum of the spaces shown on Exhibit "A." All parking shall be striped to City standards, with standard spaces 8 ½ by 18 feet and compact spaces 7 ½ by 15 feet, with no more than 50% compact spaces. The parking layout shall be satisfactory to the City Engineering office.
14. Electricity. The applicant shall contact Alameda Power and Telecom to coordinate its power requirement. APT will investigate and evaluate the condition of existing electrical utility facilities and metering and will allow their use if they are in acceptable condition.
15. Solid Waste. The applicant shall comply with the City's Solid Waste and Recycling Ordinance for the storage and disposal of Solid Waste. The applicant shall use the recycling services of the City's licensed recycling program, providing adequate space and support to ensure the program's success. The applicant shall use best management practices to reduce

the generation of solid waste and to divert material from being deposited in a landfill. All trash containers shall be tightly covered and secured to prevent the intrusion of rats and other vectors.

16. Revocation. This Use Permit may be modified or revoked by the City Council or Planning Board, should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
17. Hazardous Materials. The storage and handling of all hazardous and toxic materials shall meet the requirements of the Alameda Fire Department.
18. Signs. No signs are approved as part of this Use Permit. Applications for each sign are required through the Planning Department.
19. Hold Harmless. The applicant agrees to indemnify, hold harmless and defend the City, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this permit, or arising out of the operation of the business, save and except that caused by the City's active negligence.
20. Compliance with Laws. The applicant shall comply with all federal, state and local laws and shall file with relevant federal, state and local agencies for required permits. The applicant shall comply with all conditions of such permits. Material violation of any of those laws in connection with the use will be cause for revocation of the Compliance Determination. All required Federal, State, regional, and local permits shall be obtained prior to occupancy. Prior to operation of food and drink services, permit approvals will be obtained from the Alameda County Environmental Health Department.
21. Traffic Management. The applicant and any subsequent operator shall comply with any traffic management program established for Alameda Point aimed at reducing single-occupant auto trips to and from the site by employees and visitors. This may include preferred carpool parking spaces, bicycle lockers, cooperation with RIDES on carpool matching programs, disseminating traffic and carpool information, participation in the BART shuttle and encouraging or providing incentives for employees, volunteers and visitors to use alternative commute modes such as the Alameda Ferry. A goal of a 10% reduction of peak hour trip generation (from the Institute of Transportation Engineers trip rates) over a five-year period shall be adopted.

The applicant shall demonstrate to the satisfaction of the Planning Director and the City Engineer, by written reports when requested, that the traffic management program is adequate.

22. Construction Soil Control. All construction contracts including any trenching shall contain dust control clauses. The developer shall require that all contractors control the dust by

watering exposed earth surfaces, covering trucks transporting fill to the site, and daily removal of earth or mud carried onto City streets from the project site. Each applicant shall specify whether their project will require utility trenching to support the use. If utility trenching is required, then the applicant will ensure adequate bracing during construction and that the soil is stockpiled or replaced and returned to its previous state upon completion of the trenching. The applicants shall comply with City regulations regarding protection of the public regarding the Marsh Crust which may exist below the buildings. No excavations shall be made in the soils which would violate City regulations regarding the Marsh Crust.

23. Waste Water. The applicant shall have connections to the piped sanitary system and shall comply with East Bay Municipal Utility District Wastewater Control Ordinance No. 311.
24. Water Service. The applicant's lease area shall be evaluated by the Alameda Reuse and Redevelopment Authority to determine whether it is appropriate to require installation of water meters and backflow preventers. If new plumbing fixtures are installed, they shall be water conserving. The use of ground water is prohibited.
25. Acknowledgment of Conditions. Each applicant shall acknowledge in writing all of the conditions of approval and must accept the permit subject to those conditions and with full awareness of the provisions of Chapter 30 of the Alameda Municipal Code in order for the permit to be exercised.
26. Public Service Fee. The applicant shall pay the common service, common area or community service fee included as a requirement of its sublease or lease of property from the Alameda Reuse and Redevelopment Authority.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision by completing and submitting an appeal form paying the required fee.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or final action on any appeals plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If the applicant fails to file a protest within this 90-day period complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

PASSED AND ADOPTED this 23rd day of May 2005 by the Planning Board of the City of Alameda by the following vote:

AYES: (7) Cook, McNamara, Cunningham, Kohlstrand, Lynch, Mariani, Piziali

NOES: (0)

ABSENT: (0)

Jerry Cormack, Secretary
City Planning Board

Acknowledgment of Conditions:

I hereby acknowledge receipt of Planning Board Resolution No. PB-05-16 for, the Planning Board's approval of Use Permit UP-05-0004, approved on May 23, 2005, and in accordance with Conditions herein, I hereby verify that I understand and agree to comply with the Conditions of Approval of said Planning Board Resolution No. PB-05-16 and the applicable provisions of Chapter 30 of the Alameda Municipal Code (Zoning Ordinance).

Executed at: _____ By: _____
City Applicant

On: _____
Date Title

APPLICANT MUST FILL OUT AND RETURN TO THE PLANNING & BUILDING DEPARTMENT.

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